

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CHRISTOPHER O'ROURKE,

Plaintiff,

v.

DRUNKEN CHICKEN IN NY CORP. and
SOHO NEW YORK LODGING, LLC,

Defendants.

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JUDGMENT
19-CV-3942 (NGG) (SMG)

An Order of Honorable Nicholas G. Garaufis, United States District Judge, having been filed on July 16, 2020, adopting the Report and Recommendation of Magistrate Judge Steven M. Gold, dated May 12, 2020, which recommended that: the Court grant in part and deny in part plaintiff's motion for default judgment, as follows: (1) that defendants be found liable under the ADA, the NYSHRL, and the NYCHRL; (2) that an injunction issue with the terms described in the R&R; (3) that plaintiff be awarded \$1,000 in compensatory damages under the NYSHRL and the NYCHRL; and (4) that plaintiff's request for an award of attorney's fees and costs under the ADA be denied without prejudice, and that plaintiff's counsel be permitted to submit an appropriate supplemental sworn statement and billing records within 14 days from the date of any Order entered by Judge Garaufis with respect to this Report; it is

ORDERED and ADJUDGED that plaintiff's motion for default judgment is granted in part and denied in part; that defendants are found liable under the ADA, the NYSHRL and the NYCHRL; that plaintiff is awarded \$1,000 in compensatory damages under the NYSHRL and the NYCHRL; that plaintiff's request for an award of attorney's fees and costs under the ADA is denied without prejudice; that plaintiff's counsel is permitted to submit an appropriate

supplemental sworn statement and billing records within 14 days from the date of this Order; and that

An injunction is issued as stated: (1) defendants are required to prepare architectural plans remedying the violations of the ADAAG identified above and to provide plaintiff's counsel with those plans for review within 60 days of any order adopting this Report and Recommendation, or as soon thereafter as is reasonable under the current public health circumstances. *See, e.g., Taylor, 2016 WL 1122027, at *4; Beach 90th St. Realty Corp., 2013 WL 6835157, at *5; Shariff v. Alsaydi, 2013 WL 4432218, at *4 (E.D.N.Y. Aug. 15, 2013);* (2) plaintiff is provided 30 days either to accept defendants' proposed plans as adequate or file a motion seeking relief on the basis that the plans fail to remedy the ADAAG violations specified in the Complaint; and that (3) defendants are required to implement the architectural plans and remedy the violations within 60 days of either plaintiff's agreement or a ruling by the Court that the plans are adequate.

Dated: Brooklyn, NY
July 16, 2020

Douglas C. Palmer
Clerk of Court

By: /s/Jalitzza Poveda
Deputy Clerk